

PARNELL COLVIN  
6681 TARA AVE  
LAS VEGAS NV 89146  
EMAIL: OC681@YAHOO.COM  
PH: (503) 490-6564

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
OCT 27 2022	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

PARNELL COLVIN.  
PLAINTIFF  
  
VS.  
  
TAKO LLC.  
DEFENDANT

Case No: 2:22-cv-0082-CDS-DJA

- (1) RESPONSE TO COURT ORDER
- (2) REQUEST COURT TO RULE ON  
MOTION TO RECUSAL FROM CASE.
- (3) REQUEST COURT TO RULE ON  
MOTION TO AMEND COMPLAINT.

Comes now plaintiff Parnell Colvin, and is making the following arguments and requesting the court to rule on his motions which the court has not the only focus the court has consistently ruled on and denied is plaintiff Colvin's, motion for extensions of time to file his answer. Plaintiff believes this court has acted in away biases and prejudice and he has not and will not get any fair hearing before this court and is again requesting this court to recuse from the subject matter case in the interest of fairness, justice, and due process of the law the court should grant the motion that was filed to the court to recuse from his case for what he believes is a case of biases and prejudice against him by the court.

////////

////////

////////

1 Plaintiff Parnell Colvin, complaint is regarding questions of federal law, the federal constitution and the  
2 federal courts is the correct court to have his complaint filed which meets the subject matter jurisdiction.  
3 Under Article III of the constitution, federal courts can hear " all cases, in law and equity, arising under this  
4 constitution, and the laws of the United States. The United States constitution, Art III, Sec 2. The United States  
5 Supreme Court has interpreted this clause broadly, finding that it allows federal courts to hear any case in which  
6 there is a federal ingredient. Osborn v. Bank of the United States, 9 Wheat.( 22 U.S.) 738 ( 1824).

7  
8 28 USC 1331 The Statutory Component, for federal question jurisdiction to exist, this statute gives federal  
9 courts jurisdiction only those cases which arise under federal law . 28 USC 1331 this requirement has been  
10 found to narrower than the requirements of the federal constitution. The United States Supreme Court has found  
11 that a "suit arises under the law that creates the cause of action," American Well Works v. Layne, 241 US 257  
12 (1916), and therefore, only suits based on federal law, not state law suits, will create federal question  
13 jurisdiction, Louisville & Nashville R. Co. v. Mottley, 211 U.S. 149 (1908).

14  
15 Plaintiff Colvin, federal question of jurisdiction was well pleaded in his initial complaint and  
16 his Federal Civil Cover Sheet states question of federal law and the federal issue evoked. Plaintiff Colvin, stated  
17 his federal rights to due process were violated by the defendant which gave cause to moving the case to federal  
18 court to deal with federal law not state law. Colvin, complaint states the defendant violated his federal rights  
19 this federal violation was presented and stated in Colvin, initial complaint. The requirement was established  
20 in Louisville & Nashville R. Co. V. Mottley, and as such it is often referred to as the " Mottley Rule."  
21 The Las Vegas Justice Court where defendant filed the case only addresses ( Evictions) and the cases are heard  
22 by a hearing master not a judge and that do not hear or rule on federal questions or federal laws.

23  
24 This is why that court has taken no actions and is letting this litigation play out in federal court and not  
25 The Las Vegas Justice Court. Plaintiff Colvin, issues are all federal claims and the federal court is the correct  
26 court to hear his complaint not Las Vegas Justice Court he has raised federal questions and federal violations.  
27 Plaintiff Colvin, has requested a jury trial so the jury can be the fact finders of his constitutional rights were in  
28 fact violated.

" The Fifth Amendment Due Process Clause"

Although the Fifth Amendment Due Process Clause is brief, important parts the United States Supreme Courts constitutional doctrine rests on it. At the most general level, the clause reiterates the principle of the rule of law. The government must act in accordance with legal rules and not contrary to them. A more specific application of the clause is the doctrine today called " procedural due process." Which concerns the fairness and lawfulness of decision making methods used by the courts and executive. Governmental actors violate due process when they frustrate the fairness of proceedings, such as when a prosecutor fails to disclose evidence to a criminal defendant that suggests they may be innocent of the crime. Or when a judge is biased against a criminal defendant or a party in a civil action. Likewise fair notice and the opportunity to be heard are due process requirements criminal, civil and other proceedings in the present case the Las Vegas Justice court and the defendant violated Colvin, due process right denying him his federal constitutional right to be heard.

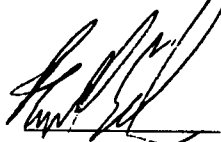
The Court also attributes to the Due Process Clause a notice requirement that applies to statutes rather than executive and judicial action. A statute that is extremely unclear can be, in the courts terms void for vagueness. This is because it does not give people sufficient or fair notice of the law. Also the Fourteenth Amendment section (1) States all persons born or naturalized in the United States , and subject to the jurisdiction thereof, are citizens of the United States and the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. Nor shall any state deprive any person of life, liberty, or property, without due process of the law, nor deny to any person within its jurisdiction the equal protections of the laws.

There is no question that Colvin, due process rights were violated and he has a federal right to bring his claim to the federal courts and have the opportunity to litigate his complaint in the federal court. Colvin, claims are all federal claims no state claims. The Las Vegas Justice Court, where this case started has no jurisdiction to entertain Colvin, due process clause of actions. That court only hears evictions and Colvin, federal case is about his federal due process and federal constitutional rights being violated by the defendant. The federal court is the correct court for Colvin, not The Las Vegas Justice Court these are federal issues and laws.

1 Plaintiff Colvin, meets the Subject Matter Jurisdiction 28 U.S.C 1331 provides that the district court have  
2 subject matter jurisdiction in all civil actions arising under the Constitution, laws, or treaties of the United States  
3 Colvin, is requesting the court to let him proceed to litigate his case in federal court against the defendant the  
4 federal courts is the proper venue for Colvin, to raise, proceed and litigate his case against the defendant has  
5 violated Colvin, constitutional rights. If the court dismisses Colvin, complaint then there would be no court to  
6 hear his federal questions of federal law The Las Vegas Justice Court, is not going to hear Colvin's, claims.

7  
8  
9 Dismissal of Colvin, complaint would be denying him his federal constitutional right to due process  
10 Colvin, requested a jury trial and raised federal question of law in his complaint. Colvin, has always  
11 argued his federal rights were violated by the defendant and a jury should be the one to hear and give a verdict  
12 in his case.

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23 Dated and submitted this Day October 27, 2022

24  
25 

26 Parnell Colvin  
27  
28

CERTIFICATE OF SERVICE

---

I hereby certify that on this 27th day of October 2022, a true and correct copy of Plaintiff Colvin, answer was mailed to the defendant.

Kerr Simpon Attorneys at Law  
2900 W. Herizion Ridge Pkwy Ste 200  
Henderson NV 85052-5014

1 Plaintiff Colvin, further argues the constitution states only one word command twice.  
2 The Fifth Amennndment says to the federal government that no one shall be " deprived of life, liberty or property  
3 without due process of the law." The Fourteenth Amendment, ratitified in ( 1868 ), uses the same eleven words  
4 called the Due Process Clause, to describe a legal obligation of all states. These words have as their central  
5 promise an assurance that all levels of the american government must operate within. The Fifth Amendments  
6 reference to " due process" is only one of many promises of protections the " Bill of Rights" gives citizens.

7  
8 Plaintiff Colvin, has a federal consttutional right to bring his complaint to the federal courts and be able  
9 to litigate his claim in said court. The constitution allows for him to litigate his case in federal court not be  
10 forced or denied the right to proceed in the federal court. Colvin, has met his burden to show he has the legal  
11 right to proceed with his complaint against the defendant in federal court.